

**TIPP CITY COUNCIL EXECUTIVE SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**DECEMBER 7, 2009**

**Executive Session**

President Hale made a motion to go into Executive Session at 6:30 p.m. Motion was seconded by Mr. Kessler and unanimously approved. Executive session adjourned at 7:30 p.m.

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**DECEMBER 7, 2009**

**Council Meeting**

Council President Patrick Hale called to order the regular meeting of the Tipp City Council at 7:35 p.m. Roll call showed the following Councilmembers present: President Patrick Hale, Mayor Tim Evans, Dolores Gillis, Vickie Blakey, William Beagle, George H. Lovett, and John E. Kessler.

Others in attendance: Finance Director Richard Drennen, Assistant Utilities Director Christy Butera, Assistant City Manager Brad Vath, Fire Chief Steve Kessler, Police Chief Tom Davidson, City Attorney Joseph P. Moore, and Acting Clerk of Council Marilyn Fennell.

Guests signing the register included: Katie Black, John Berbach, Rev. Gary Boggs, Steven Chaney, Bill Mikolajewski, Joe Gibson, Bryan Budding

**Invocation and Pledge of Allegiance**

President Hale delivered the invocation and Cub Scout Pack 285 led the Pledge of Allegiance.

**Approval of Agenda  
Approval**

The agenda was approved on a motion by President Hale, seconded by Mr. Kessler, and unanimously approved.

**Adoption of Minutes**

Mrs. Blakey moved, seconded by Mr. Beagle, to approve the minutes of the November 16, 2009 Pre-Meeting Study Session. The motion carried 7-0.

Mrs. Gillis moved, seconded by Mr. Lovett, to approve the minutes of the November 16, 2009 meeting. The motion carried 7-0.

Mrs. Blakey moved, seconded by Mr. Lovett, to approve the minutes of the November 23, 2009 Operating Budget meeting. The motion carried 7-0.

**Presentations,  
Proclamations, and  
Awards**

There were none.

**Ordinance  
(Second Reading)  
Ordinance 33-09  
Purchase Property**

The following ordinances were presented to City Council for adoption.

An ordinance authorizing the City Manager to purchase certain real property (+/- 117.7 acres) in unincorporated Monroe Township, Miami County, Ohio and declared an emergency.

Clerk of Council Summary: The total cost of this project is \$520,810 of which the City's cost is less than 6% (\$25,000) due to grants and donations.

City Manager Comments: This ordinance authorizes the City Manager to finalize the purchase of the +/- 117 acre parcel located just east of the well fields. The total cost of \$520,810 is being financed by a \$385,399.40 grant from the Clean Ohio Fund, \$90,400 from a private company (remediation requirement from OEPA), \$15,010.06 in cash and in-kind services from the Miami Conservancy District, and \$25,000 in a combination of cash, in-kind services and easement donation from the City of Tipp City. Tipp City's share of this project is less than 6%. Since closing on this property must take place prior to December 31st staff recommends that Council adopt this ordinance as an Emergency at 2nd reading on December 7th.

There being no further discussion, Mr. Beagle sponsored this ordinance and moved for its adoption and declaring an emergency. Motion was seconded by Mr. Kessler and unanimously approved. Ordinance 33-09 was declared passed.

Ordinance 34-09  
Supplemental  
Appropriations

An ordinance supplementing the appropriations in Ordinance 48-08.

Clerk of Council Summary: This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2009 fiscal year budget in the total amount of \$495,000.

City Manager Comments: The adoption of this ordinance would increase 2009 appropriations in the amount of \$495,000 as follows:

+\$35,000 General Fund – To account for additional transfers in the amount of \$20,000 to the Swimming Pool Fund and \$15,000 to the Parks Capital Improvement Fund to offset lower than anticipated income tax revenue related to the 0.25% Parks levy.

+\$460,000 Electric Fund - Due to higher than anticipated purchase of power costs. This increase is offset by revenue from the City's sale of electric power.

There being no further discussion, Mrs. Gillis sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Lovett and unanimously approved. Ordinance 34-09 was declared passed.

Ordinance 35-09  
Reducing Appropriations

An ordinance reducing the appropriations in Ordinance 48-08.

Clerk of Council Summary: This ordinance authorizes the necessary reduction in appropriations of \$1,751,300.

City Manager Comments: The adoption of this resolution would decrease 2009 appropriations in the amount of \$1,571,300 as follows:

-\$12,000 Swimming Pool Fund – Due to lower than budgeted expenditures.

-\$59,300 Parks Capital Improvement Fund – Due to lower than budgeted project costs for the Kyle Park Bike Path project that was budgeted at \$150,000 and completed for \$90,700.

Ordinance 36-09  
Amending Chapter 37

-\$1,500,000 Utility AMR Project Fund – Proposals for the Advanced Metering Infrastructure/Automatic Meter Reading project were received on October 21 and are currently under review. The City has been awarded a \$600,000 OPWC loan for this project and therefore cannot sign any contracts until after January 1, 2010.

There being no further discussion, Mrs. Blakey sponsored this ordinance and moved for its adoption. Motion was seconded by President Hale and unanimously approved. Ordinance 35-09 was declared passed.

An ordinance amending Chapter 37 including Appendix Exhibit “A” of the Codified Ordinances of the City of Tipp City for all City employees not covered by a collective bargaining agreement.

Clerk of Council Summary: This revision to Chapter 37 allows the Superintendent and Supervisor of the NAWA Treatment Plant to receive overtime and on-call pay.

City Manager Comments: In March of 2008, the City signed a Memorandum of Understanding (MOU) with AFSCME regarding several contract issues affecting the NAWA plant operations. City Council was consulted regarding the proposed changes. One change allowed the City to have Chapter 37 employees (Water/Wastewater Superintendent or Water Treatment Plant Supervisor) perform the weekly on-call routine. However, during the transition to a new City Manager this change was never codified into Chapter 37. Staffing at NAWA is comprised of one supervisor and two operators. Previously, the two operators were on-call every other week from 3:30 p.m. to 7:00 a.m. with two-hour shifts on Saturday and Sunday. With the addition of the Superintendent or Supervisor into the call-in rotation, employees are now on-call every three weeks instead of every other week. This ordinance allows the Superintendent or Supervisor (salaried positions) to earn on-call time and overtime while serving in an on-call status. This ordinance is retroactive to March 2008 when the Superintendent/Supervisor began receiving on-call pay.

There being no further discussion, Mr. Lovett sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Kessler and unanimously approved. Ordinance 36-09 was declared passed.

**Resolutions**  
**(One Reading Required)**  
Resolution 42-09  
Abate Violations

A resolution authorizing the City Manager to utilize equitable powers of the Common Pleas Court of Miami County, Ohio in order to abate uncorrected violations of Section 94.44

Clerk of Council Summary: This nuisance was discussed with City Council in a pre-meeting Study Session on November 16, 2009.

City Manager Comments: The adoption of this resolution would authorize the City Manager to abate the various nuisances (i.e., junk and litter) at 427 W. Plum Street, owned by Orville W. Burgess. Furthermore, the cost of such abatement plus any legal fees incurred shall be filed as a lien against the real property. Mr. Burgess was served a Notice of Violation via a process server on September 15, 2009 and has failed to clean up and/or remove the items constituting the nuisance. As required by Code Section 94.45, this matter was

	<p>reported to Council during a study session on November 16th.</p> <p>There being no further discussion, Mayor Evans sponsored this resolution and moved for its adoption. Motion was seconded by President Hale and unanimously approved. Resolution 42-09 was declared passed and President Hale affixed his signature in witness thereto.</p>
<p>Resolution 43-09 Public Defender Contract</p>	<p>A resolution authorizing and directing the City Manager to enter into a contract with the law office of the Miami County Public Defender.</p> <p>Clerk of Council Summary: This resolution authorizes a contract with the Miami County Public Defender to pay for indigent persons charged with jailable offenses under municipal ordinances.</p> <p>City Manager Comments: The adoption of this resolution would authorize the City Manager to enter into a contract with the Miami County Public Defender Commission to meet the City's obligation to provide legal services to the City's indigent citizens. This one year contract is for the sum of \$4,068.23.</p> <p>There being no further discussion, Mr. Lovett sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Beagle and unanimously approved. Resolution 43-09 was declared passed and President Hale affixed his signature in witness thereto.</p>
<p><b>Ordinance First Reading</b> Adopting 2010 Budget</p>	<p>Mr. Beagle sponsored an ordinance adopting the 2010 annual budget for Tipp City, Ohio.</p> <p>Clerk of Council Summary: This ordinance adopts the operating budget for the fiscal and calendar year 2010 as proposed by the City Manager and reviewed by City Council.</p> <p>City Manager Comments: The 2010 Operating Budget is submitted as presented to City Council at its November 23rd Workshop. However, during Council's review of the operating budget the City Manager's was directed by City Council to develop a plan to fund an additional \$314,000 in street improvements by reducing expenditures by \$200,000 and \$300,000 respectively. The City Manager's budget reduction plan will be reviewed with City Council in a study session prior to the December 7 Council meeting. Section 7.06(B) of the Tipp City Charter, AMENDMENT BEFORE ADOPTION, states "after the public hearing, the Council may adopt the annual operating budget with or without amendment . . ." The public hearing will be conducted as part of this ordinances 2nd reading on December 21.</p>
<p>Appropriations</p>	<p>President Hale sponsored an ordinance to make appropriations for current expenses and other expenditures of the municipality of Tipp City, Ohio during the fiscal year ending December 31, 2010.</p> <p>Clerk of Council Summary: This ordinance establishes the specific appropriations called for in the above-mentioned 2010 fiscal budget year.</p> <p>City Manager Comments: The appropriation ordinance is companion legislation to the approval of the operating budget. The appropriations budget</p>

authorizes the expenditure of funds while the operating budget sets forth the financial plan for the ensuing fiscal year, including estimated revenue and proposed expenditures. This appropriations budget mirrors the recommended expenditures set forth in the operating budget that was reviewed by Council on November 23rd, but may be amended to reflect changes made by City Council to the operating budget.

**Motions**

There were none.

**Citizen Comments**

There were none.

**Councilmember  
Comments**

Mayor Evans recognized the Scouts from Pack #285 who were present to lead the Pledge of Allegiance. He also congratulated the Finance Department for receiving an award for "Making your Tax Dollars Count", the City's 8<sup>th</sup> award for excellence in financial reporting. The Tipp Area Chamber of Commerce held their Annual Gala and recognized Dee Gillis as the past Chairman and congratulated all individuals who were recipients of Business and Small Business of the Year, Young Professional, Citizen of the Year, and Legacy Business Award. Wished best of luck to new council members.

Mrs. Gillis stated that she is thankful to our Veteran's as we remember Pearl Harbor Day. She is thankful to City employees. Council has always voted to give each employee a gift certificate to employees, but can't do that due to budget constraints, but we do appreciate that.

Mr. Beagle thanked Marilyn Fennell for filling in for Cathy Ross.

Mrs. Blakey thanked Mrs. Bowman for their article about Glen and Patty Ash for renovating the Springhouse. She added that sometimes projects come up that the City does not have money to fund and it is great to have citizens who step forward.

**City Manager Comments**

Mr. Crusey reported that income tax collections are down about 8%. Mr. Crusey recognized Meijer Distribution Center who donated about 1000 solar lights to the City which will be placed along the bikepath. He then thanked the newly elected Councilmembers for attending orientation today.

**Adjournment**

The meeting was adjourned at 7:54 p.m. on a motion by Mrs. Blakey, seconded by Mrs. Gillis and unanimously approved.

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Patrick Hale, President

Attest: \_\_\_\_\_  
Marilyn Fennell, Acting Clerk of Council

**TIPP CITY COUNCIL STUDY SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**DECEMBER 7, 2009**

City Manager Jon Crusey opened the Study Session at 8:06pm following the City Council Meeting on this date.

**Roll Call**

Council members in attendance included John E. Kessler, Vickie Blakey, Bill Beagle, Dolores Gillis, George Lovett, Mayor Tim Evans, and President Patrick Hale.

Others in attendance: Utility Director Mo Eichman, Service Director Scott Vagedes, Police Chief Tom Davidson, Attorney Joe Moore, Finance Director Richard Drennen, Council members elect: Bryan Budding, Joe Gibson, and Katelyn Black, Dan Trupp, R.L. Koogler, Pete Batting, and Steven Chaney, and Acting Clerk of Council Marilyn Fennell.

**2010 Operating Budget  
Reductions**

City Manager Crusey distributed copies the PowerPoint presentation for the 2010 Operating Budget Reductions. He explained that after the Operating Budget Workshop on November 23, 2009, Council had directed staff to reduce costs so that funds could be found to fund additional capital projects, the reconstruction of Hartman Avenue and Horton Avenue. Mr. Crusey explained that staff was able to present savings of \$208,500 and \$300,285, involving reorganization of personnel, new Council members not accepting health insurance, amending Chapter 37 tuition reimbursement, a 2.5% wage reduction, reducing the Downtown Coordinator's contract by 2.5%. Further reductions included deleting Employee Holiday Gift Certificates, no 4<sup>th</sup> of July fireworks, and reducing the hours of Snow Plowing/Salting overtime. He stated that City Council had reviewed this information during the Executive Session held prior to the City Council meeting.

President Hale commented City Council wanted to get to the figure for the two proposed road projects. In order to do that, Council agreed that they did not wish to implement the 2.5% wage reduction, cancel the fireworks, nor the overtime involved for snow plowing/salting. He said the matter would be brought to a Council vote on December 21, 2009.

Mr. John Richards asked about the reorganization of employees that had been discussed. President Hale said that due to that being a personnel matter, they were not able to discuss the specifics. Mr. Richards stated that any reorganization does not affect individuals but entire departments. Mr. Crusey said discussions would continue with the different departments next week and stated again that personnel matters could not be discussed publicly. He added that the matter had been discussed with those affected. Mr. Hale added that such decisions are not easily made.

Mr. Rick Koogler asked if there were other road projects scheduled down the road and where would the money come for those to be completed. Mr. Hale said firstly, he hoped the economy would improve in the coming years and secondly, the Council may have to go back to the Community at some point and ask for a Capital Improvement Levy.

President Hale added that it has not been an easy decision for any of

Adjournment

the Council members. Mr. Beagle asked those in attendance for any other suggestions they may have.

There being no further discussion, the study session ended at 8:20pm.

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Patrick Hale, President

Attest: \_\_\_\_\_  
Marilyn Fennell, Acting Clerk of Council